

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

David B. Johnson,

Civil No. 11-2610 (RHK/JJG)

Petitioner,

ORDER

v.

Jessica Symmes,

Respondent.

On July 27, 2012, this Court adopted the Report and Recommendation of Magistrate Judge Jeanne J. Graham, in which she recommended that Petitioner's Petition for Writ of Habeas Corpus be denied. No objection to that Report and Recommendation was filed in the time permitted; accordingly, the Court ruled on the Report and Recommendation and adopted it on July 27, 2012, denying the requested habeas corpus relief.

On the same date that the Court's Order was filed, Petitioner filed Objections thereto. Although those Objections were not timely, the undersigned has reviewed them and again reviewed the Report and Recommendation to which they are directed. That de novo review has demonstrated that Judge Graham's thorough and well-reasoned Report and Recommendation is fully supported by the factual review of the record before her and by controlling legal principals; accordingly, it will be adopted in its entirety.

Based on the foregoing and all the files, records and proceedings herein; **IT IS ORDERED:**

1. The Objections (Doc. No. 26) are **OVERRULED**;

2. The Report and Recommendation (Doc. No. 23) is **ADOPTED**;
 3. The Petition for Writ of Habeas Corpus (Doc No. 1) is **DENIED**;
 4. Petitioner's Motion for Reconsideration of the Appointment of Counsel and for an Investigator (Doc. No. 19) is **DENIED**;
 5. The Court **DECLINES** to issue a Certificate of Appealability; and
 6. This action is **DISMISSED WITH PREJUDICE**.
- LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: August 1, 2012

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge